

PTO/SB92 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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> Mail Stop: Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

January 29, 2004 Date

> William H. Dippert Registration No. 26,723

Reed Smith LLP 599 Lexington Avenue 29th Floor New York, New York 10022-7650

Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant:

Shlomo Ben-Haim et al.

Serial No:

09/980,748

Filing Date: November 15, 2001

For:

SHOCKLESS DEBRILLATION

Enclosures: (1) Petition Under 37 CFR § 1.81 (2 pages); (2) Copy of Notification of Abandonment (1 page);

(3) Copy of previously filed Response to Notification of Missing Requirements (13 pages);

(4) Copy of Change of Address (1 page);

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shlomo Ben-Haim, et al.

Serial No.:

09/980,748

Filing Date:

November 15, 2001

For:

SHOCKLESS DEFIBRILLATION

March 28, 2002

Assistant Commissioner for Patents Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Enclosed herewith are the following:

- (1) A copy of a Notification of Missing Requirements dated January 28, 2002; and
- (2) An executed Declaration.

Any fee due for this submission should be charged to Deposit Account No. 03-3415.

Respectfully submitted

Michael I. Wolfson, I

Reg. No. 24,750

COWAN, LIEBOWITZ & LATMAN, P.C. 1133 Avenue of the Americas New York, New York 10036-6799 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on March 28, 2002

Date of Deposit

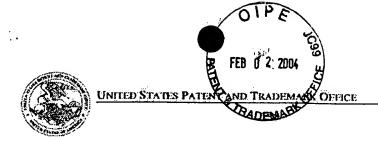
Michael I. Wolfson

Signaty

March 28, 2002

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 03-3415.



Commissioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C. 2023

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

09/980,748 Shiomo Ben-Haim 20066-21

INTERNATIONAL APPLICATION NO.

PCT/IL00/00302

U.A. FILLING DATE PRIORITY DATE

05/25/2000 05/26/1999

William H. Dippert Cowan Liebowitz & Latman 1133 Avenue of the Americas New York, NY 10036-6799

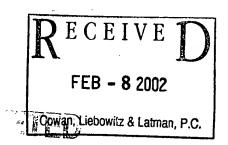
CONFIRMATION NO. 7537
371 FORMALITIES LETTER
OC000000007345157

Date Mailed: 01/28/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- . U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- · Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination



The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

• Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

■ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
09/980,748	PCT/IL00/00302	20066-21



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. DOS 1450 Alexandra, Vignus 22313-1450 www.upple.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT ATTY DO				
09/980,748	Shiomo Ben-Haim	20066-21			
	Γ	INTERNATIONAL AF	PLICATION NO		
	_	PCT/IL00	/00302		
		I.A. FILING DATE	PRIORITY DATE		
William H. Dippert		05/25/2000 05/26/199			

Cowan Liebowitz & Latman 1133 Avenue of the Americas New York, NY 10036-6799

CONFIRMATION NO. 7537

371 ABANDONMENT/TERMINATION LETTER

OC000000011521815

Date Mailed: 12/18/2003

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

• Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01/28/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Express No.

Mailing Date: March 28, 2002 Attorney Ref. No. 20066-21

BOX PATENT APPLICATION (DO/EO/US)

Asst. Commissioner for Patents Washington, D.C. 20231

Applicant: Serial No: Filed: Por: Shlomo BEN-HAIM, et al.

09/980,748 November 15, 2001

SHOCKLESS DEFIBRILLATION

JC10 Rec'd PCT/PTO 1 1 APR 2002

Please have the Mail Division stamp and return this card as acknowledgment of receipt of the following: (1) Transmittal Form; (2) Response to Notification of Missing Requirements; (3) Copy of Notification; (4) Executed Declaration;

(5) Information Disclosure Statement; (6) # references.

N CARD STAMP DATE

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SHOCKLESS DEFIBRILLATION

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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_	Attorney Docket Num	ber	20066-21
₹	First Named Inventor		Shlomo BEN-HAIM
	COMPLE	TE IF	KNOWN
	Application Number		09/ 980,748
l	Filing Date		November 15, 2001
al	Group Art Unit		
	Examiner Name		

DECLARATION FOR UTILITY OF DESIGN PATENT APPLICATION (37 CFR 1.63) Declaration ☑ Declaration OR Submitted Submitted after Initia Filing (surcharge (37 CFR 1.16 (e)) with Initial Filing required) As a below named inventor, I hereby declare that: My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which (Title of the Invention) is attached hereto OR									
was filed on (MM/D	November	15, 2001 as Unite	ed States Applica	ition Number or P	'CT International				
	····	as amended on (MM/DD/Y	·		(if applicable).				
I hereby state that I have re amended by any amendme	eviewed and understand the cent specifically referred to abo	contents of the above iden	itified specification	n, including the cl	laims, as				
I acknowledge the duty to d	disclose information which is	material to patentability as	defined in 37 CF	R 1.56.					
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also Identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.									
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Cop	py Attached? NO				
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Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:									
☐ Additional foreign applica	tion numbers are listed on a	supplemental priority data	sheet PTO/SB/0	2B attached here	ito:				
I hereby claim the benefit u	inder 35 U.S.C. 119(e) of any	y United States provisional	sheet PTO/SB/0 application(s) list	2B attached here ted below.	ato:				
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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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		PCT international											
As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the P and Trademark Office connected therewith: Customer Number OR Registered practitioner(s) name/registration number listed below Label here								tomer r Code					
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Mi		l. Wolfson			,750		N	Mark Mo		e		umber 6,612	
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Additional	registere	d practitioner(s)	named o	n supplemental	Registere	Practitione	r Infor	rmation she	et PTO/	SB/020	attached her	eto.	
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City

ADDITIONAL INVENTORIES

Country

sign (+) inside this box + + Approved for use through 9/30/98. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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	DECLARATION Supplemental Sheet Page _1_ of _2_										
Name of Additio	nal Joint Inventor, if ar	ıy:			A petitio	n has been file	ed for the	nis unsiç	gned in	ventor	
Given Name (first and middle [if any])					Family Name or Surname						
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Inventor's Signature		m	/L					Da	Date 13/0		loz
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Given Na	me (first and middle [if any]))		Family Name or Surname]	
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Inventor's Signature							Da	ite	6 Mar 3	<u>ب</u> ولا	
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PTO/SB/02A (3-97)

Approved for use through 9/30/98. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>2</u> of <u>2</u>

Name of Addition	nal Joint Inventor, if a	ny:			A petiti	on has been f	iled for th	nis unsig	gned in	ventor
Given Name (first and middle [if any])					Family Name or Surname					
Bella							Felzen			
Inventor's Signature		so ok					Dat	e	15/10/01	
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Residence: City	Lake Jackson	State	ТХ	c	ountry	us		Citize	enship	GB
Post Office Address			32	3 Ro	sema	ry Lane				
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

BEN-HAIM, et al

Group:

Unknown

Serial No.:

09/980,748

Examiner:

Unknown

Filing Date: November 15, 2001

For:

SHOCKLESS DEFIBRILLATION

October 3, 2002

Hon. Commissioner of Patents and Trademarks Washington D.C. 20231

CHANGE OF ADDRESS

SIR:

Please address all future correspondence concerning the above application or any patent to issue to the following:

> William H. Dippert Reed Smith LLP 599 Lexington Avenue New York, New York 10022-7650 (212) 521-5400

Customer No. 026418

Respectfully submitted,

Reg. No. 26,723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE In The Application of: Shlomo BEN-HAIM, et al. Serial No.: (N/A) Serial No.: (N/A) Filed: November 15, 2001 For: SHOCKLESS DEFIBRILLATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Art Unit: (N/A) Washington, D.C. November 28, 2001 Docket No.: 20066-21

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

- [] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
 - B. before the mailing date of a first office action on the merits.
- [] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

[] i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

[] ii. A check for the fee set forth in 1.17(p), presently believed to be \$240, is enclosed (check no).
[] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in §1.17(i) presently believed to be \$130 is enclosed (check no). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
[] 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached except as explained below.
(check boxes A and/or B and fill in blanks, if appropriate.) [] A. Document(s) is (are) deemed substantially cumulative to document(s), and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:
[insert serial numbers and filing dates of prior applications]
Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.
[] 3. Document(s) is(are) not in the English language. In accordance with 1.98(c), Applicant states:
[] An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
A concise explanation of the relevance of document(s) is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).
[] A concise explanation of the relevance of document(s) is set forth as follows: [Insert concise explanation of relevance]
A concise explanation of the relevance of document(s) can be found on page(s) of the specification.
[] A concise explanation of document(s) can be found on the attached sheet.

- 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).
 - [] 5. Other information being provided for the examiner's consideration follows:
- 6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Provisional Patent Application Serial no.: 60/136,092, entitled: SHOCKLESS DEFIBRILLATION", filed May 26, 1999;

Respectfully submitted,

Reg No. 24, 250

Date: Novem 2001 Page 1 of 1 FORM PTO-1449 (Colb) ATTY DOCKET NO. SERIAL NUMBER (N/A)20066-21 ST OF PATENTS AND PUBLICATIONS **APPLICANT** FOR APPLICANTS' INFORMATION Shlomo BEN-HAIM, et al. **STATEMENT** FILING DATE **GROUP ART UNIT** November 1, 2001 (N/A)**U.S. PATENT DOCUMENTS** Examiner's **FILING Initials** DOCUMENT NO. DATE NAME **CLASS SUB** DATE AA Oct. 1997 Combs, et al. 5,674,251 AB 5,797,967 Aug. 1998 KenKnight AC5,472,453 Dec. 1995 Alt AD AE AF AG AH FOREIGN PATENT DOCUMENTS TRANS-DOCUMENT NO. DATE **COUNTRY CLASS SUB** LATION AI WO 98/10830 **PCT** AJ AK OTHER ART (Including Author, Bills, Pertinent Pages, Etc.) AL AM **EXAMINER:** DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP

copy of this form with next communication to applicant.

609; Draw line through citation if not in conformance and not considered. Include